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The hon. Mr. N. E. MARJORIBANKS :—" We have got the report from the Collector on the matter and I have no objection to publish it."

Mr T. ADINARAYANA CHETTIYAR :—" What is the date of the Collector's report, Sir ? "

The hon. Mr. N. E. MARJORIBANKS :—" 23rd January."

Alleged collection of interest on the arrears of assessment from the mirasidars of Tanjore district.

*55 Q.—Mr. V. PANTULU AYYAR : Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the District Collector of Tanjore has ordered collection of interest at 6 per cent from the mirasidars of Tanjore district for the last fasli ;

(b) whether previous notices were served upon the defaulting mirasidars ;

(c) whether calculation of interest is ordered even for payments made during the kist collection period of February, March and April ;

(d) whether the Revenue authorities in the district collected during the last fasli 6¼ per cent over and above the actual kist due from the mirasidars who were entitled to pay only lesser rates ;

(e) whether the excess collection was made even after Government orders had been passed announcing the said reduction of 6¼ per cent ;

(f) whether Government have allowed any interest or propose to do so for the excess amount collected by them from the mirasidars ;

(g) whether interest has been collected even for payments made within the kistbandi from the landholders of any other district in the province ; if so, the names of those districts ;

(h) whether Government had collected interest as at present in any one of the 30 years preceding the last fasli ; if so, when and, if not, the special reasons for adopting a different procedure now ; and

(i) the amount that Government may realize from interest collection in the district of Tanjore ?

A.—(a), (c), & (g) The hon. Member is referred to the answer to question No. 84.

(b) A demand for payment was directed to be made in each case and interest was levied only on refusal.

(d), (e), (h) & (i) The Government have no exact information ; but as the orders of Government that the increase at resettlement should be limited to 18¾ per cent can have reached the Collector only towards the end of the fasli, it is quite possible that some excess collections were made.

(f) No.

Mr. S. SATYAMURTI :—" With reference to the answer to clause (b), may I know if the hon. the Revenue Member is in a position to say whether the demand for payment was actually made in each case before this interest was levied ? I find in the answer it is stated that the demand for payment was directed to be made, etc. I want to know whether it is made as a matter of fact."

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The hon. Mr. N. E. MARJORIBANKS :—" I have no information, Sir, but it is presumed that the demand is made according to the directions given."

Mr. S. SATYAMURTI :—" With reference to the answers to clauses (*d*), (*e*), (*h*) and (*i*), the questions are whether the Revenue authorities collected $6\frac{1}{4}$ per cent more than the actual kist due and whether the excess collection was made even after the Government orders had been passed announcing the reduction of $6\frac{1}{4}$ per cent. The answer says that as the orders of the Government that the increase should be limited to $18\frac{3}{4}$ per cent. could have reached the Collector only towards the end of the fasli, it is quite possible that excess collections were made. I should like to know from the Government the number of cases in which such excess collection was made even in cases where the mirasidars were entitled to pay lesser rates."

The hon. Mr. N. E. MARJORIBANKS :—" I have no information as to the number of cases, Sir."

Mr. S. SATYAMURTI :—" Will the Government call for it ? "

The hon. Mr. N. E. MARJORIBANKS :—" I do not see sufficient reason to call for it, Sir."

Mr. C. V. VENKATARAMANA AYYANGAR :—" As regards clause (*h*), may we know exactly as to whether there is any case at all during the last 30 years ? Without any elaborate enquiries the information can be got. If there is not even one individual case hitherto, then certainly we can say that the Government is levying it only in these particular circumstances."

The hon. Mr. N. E. MARJORIBANKS :—" I am not aware whether there has been any case during these years."

Mr. S. SATYAMURTI :—" With reference to the answer to clause (*f*) of this question, may I ask the reasons why the Government have not allowed or do not propose to allow any interest on the excess amount collected from the mirasidars ? "

The hon. Mr. N. E. MARJORIBANKS :—" If the interest is properly collected, there is no reason why it should be refunded. If it has been collected in excess of what is due, it would be refunded either by adjustment or in cash."

Mr. S. MUTTAYYA MUDALIYAR :—" May I ask the hon. the Revenue Member whether the Government propose to pay interest on the excess amount of land revenue they have collected already ? The Government admit that they have made excess collections of $6\frac{1}{4}$ per cent in some cases. The question put by the hon. Member for the University is whether on the excess collections they have made they propose to allow interest to the mirasidars, since the Government collected interest from them for arrear payments made by them."

The hon. Mr. N. E. MARJORIBANKS :—" I understand the hon. Member to ask whether interest will be allowed upon the sums collected in excess. The answer is in the negative."

Mr. S. SATYAMURTI :—" May I know whether the Government says 'Heads, I win ; tails, you lose'? If their demand falls in arrears, they charge interest ; but if they collect in excess, they would not pay interest on it. I want to know on what principles does the Government base its action ? "

The hon. Mr. N. E. MARJORIBANKS :—"It would take very long time to explain it, Sir, but in our revenue system the collection has to be made on the basis of a provisional demand which in some cases may prove more and in others less than the amount that is ultimately found to be due. There is no provision for the payment of interest on any amount that may ultimately be found to have been paid in excess, and it has never been the practice, apart from any provision to that effect, to make any such refund of interest."

Mr. S. SATYAMURTI :—"I am not asking with regard to that. I very well understand that the Government may have to make provisional calculations as to the amount that might be fixed as the rent. But I am asking where the rate itself differs, where I am made to pay 25 per cent when I am bound to pay $18\frac{3}{4}$ per cent and the Government thus collect thousands of rupees, whether a general rebate is to be made and interest paid on excess. I am asking not in the case of wrong calculations but in the case of a change in the rates levied."

The hon. Mr. N. E. MARJORIBANKS :—"The rate is, as a special case in regard to Tanjore, reduced to $18\frac{3}{4}$ per cent and it is stated that there was excess collected. If any large amount was so collected and kept some time and if it is so proved, we should be prepared to consider whether any interest should be allowed. But considering the considerable concession made in regard to the reduction from 25 per cent to $18\frac{3}{4}$ per cent, I am not prima facie prepared to promise any such payment."

Mr. S. SATYAMURTI :—"Is it as a kind of commercial bargain by the Government with the ryots of Tanjore ? "

Mr. C. RAMALINGA REDDI :—"May I ask the hon. the Revenue Member whether he is prepared to extend the same concession to other classes of lands, and whether that reduction would not be made applicable to them ? "

The hon. Mr. N. E. MARJORIBANKS :—"That does not arise out of this question, Sir."

Mr. R. SRINIVASA AYYANGAR :—"May I know whether the principle of charging interest for 'money had and received' does not apply to excess amounts collected by Government ? "

The hon. Mr. N. E. MARJORIBANKS :—"It has further been pointed out to me, Sir, that if any one has paid 25 per cent, he could immediately get it back if he cares to apply."

Mr. J. A. SALDANHA :—"May I ask whether it is a concession or a climb down ? "

The hon. Mr. N. E. MARJORIBANKS :—"I am not prepared to argue the meaning of the words used by the hon. Member."

Mr. S. MUTTAYYA MUDALIYAR :—"In the answer we are referred to question No. 84. In that we find that on 16th February 1924 the Collector issued an order for the levy of interest on arrears due in that fasli, etc. May I ask the hon. the Revenue Member whether an order has been issued subsequently by the Collector after the close of the fasli on which interest is collected on arrears that had been paid long before ? "

The hon. Mr. N. E. MARJORIBANKS :—"I must ask for notice, Sir."